

Aug 05, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NINA HALL,

Plaintiff,

v.

EQUIFAX INFORMATION  
SERVICES, LLC, a Georgia limited  
liability company; and EXPERIAN  
INFORMATION SOLUTIONS,  
INC., an Ohio corporation,

Defendants.

NO: 2:19-CV-97-RMP

STIPULATED PROTECTIVE  
ORDER

BEFORE THE COURT is a motion for entry of a stipulated protective order by Plaintiff Nina Hall and Defendant Experian Information Solutions, Inc., ECF No. 17. A district court may issue protective orders regarding discovery upon a showing of good cause. Fed. R. Civ. P. 26(c). Before issuing a stipulated protective order, a district court judge should ensure that the protective order's restrictions do not infringe on the public's general right to inspect and copy judicial records and documents. *See Kamakana v. City and Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

STIPULATED PROTECTIVE ORDER ~ 1

1 Having reviewed the protective order and the remaining record, the Court  
2 finds good cause to grant the stipulated motion and enter the agreed-upon  
3 protective order, with limited modifications in paragraph 3 to comply with the  
4 requirement of a showing of compelling reasons to seal under *Kamakana*, 447 F.3d  
5 at 1182. Accordingly, **IT IS HEREBY ORDERED** that the parties' motion for  
6 entry of a stipulated protective order, **ECF NO. 17**, is **GRANTED**. The protective  
7 order in effect is set forth below.

8 **PROTECTIVE ORDER**

9 Plaintiff Nina Hall ("Plaintiff") and Defendant Experian Information  
10 Solutions, Inc. ("Experian") hereby stipulate and agree, through their respective  
11 attorneys of record, as follows:

12 WHEREAS, documents and information have been and may be sought,  
13 produced or exhibited by and among the parties to this action relating to trade  
14 secrets, confidential research, development, technology or other proprietary  
15 information belonging to the defendants, and/or personal income, credit and other  
16 confidential information of Plaintiff.

17 THEREFORE, an Order of this Court protecting such confidential information  
18 shall be and hereby is made by this Court on the following terms:

19 1. This Order shall govern the use, handling and disclosure of all  
20 documents, testimony or information produced or given in this action which are  
21 designated to be subject to this Order in accordance with the terms hereof.

1           2. Any party or non-party producing or filing documents or other  
2 materials in this action may designate such materials and the information contained  
3 therein subject to this Order by typing or stamping on the front of the document, or  
4 on the portion(s) of the document for which confidential treatment is designated,  
5 “Confidential.”

6           3. To the extent any motions, briefs, pleadings, deposition transcripts, or  
7 other papers to be filed with the Court incorporate documents or information subject  
8 to this Order, the party filing such papers shall designate such materials, or portions  
9 thereof, as “Confidential” and shall file them with the clerk as an attachment to a  
10 motion to seal, along with a copy of such filing having the confidential information  
11 deleted therefrom, to be filed as an unsealed document in the event that the Court  
12 does not find compelling reasons to seal the unredacted filing.

13           4. All documents, transcripts, or other materials subject to this Order, and  
14 all information derived therefrom (including, but not limited to, all testimony given  
15 in a deposition, declaration or otherwise, that refers, reflects or otherwise discusses  
16 any information designated “Confidential” hereunder), shall not be used, directly or  
17 indirectly, by any person for any business, commercial or competitive purposes or  
18 for any purpose whatsoever other than solely for the preparation and trial of this  
19 action in accordance with the provisions of this Order.

20           5. Except with the prior written consent of the individual or entity  
21 designating a document or portions of a document as “Confidential,” or pursuant to  
prior Order after notice, any document, transcript or pleading given “Confidential”

1 treatment under this Order, and any information contained in, or derived from any  
2 such materials (including but not limited to, all deposition testimony that refers to,  
3 reflects or otherwise discusses any information designated “Confidential” hereunder)  
4 may not be disclosed other than in accordance with this Order and may not be  
5 disclosed to any person other than: (a) the Court and its officers; (b) parties to this  
6 litigation; (c) counsel for the parties, whether retained outside counsel or in-house  
7 counsel and employees of counsel assigned to assist such counsel in the preparation  
8 of this litigation; (d) fact witnesses subject to a proffer to the Court or a stipulation  
9 of the parties that such witnesses need to know such information; (e) present or  
10 former employees of the Producing Party in connection with their depositions in this  
11 action (provided that no former employees shall be shown documents prepared after  
12 the date of his or her departure); and (f) experts specifically retained as consultants  
13 or expert witnesses in connection with this litigation.

14           6. Documents produced pursuant to this Order shall not be made available  
15 to any person designated in Subparagraph 5(f) unless he or she shall have first read  
16 this Order, agreed to be bound by its terms, and signed the attached Declaration of  
17 Compliance.

18           7. All persons receiving any or all documents produced pursuant to this  
19 Order shall be advised of their confidential nature. All persons to whom confidential  
20 information and/or documents are disclosed are hereby enjoined from disclosing  
21 same to any person except as provided herein, and are further enjoined from using  
same except in the preparation for and trial of the above-captioned action between

1 the named parties thereto. No person receiving or reviewing such confidential  
2 documents, information or transcript shall disseminate or disclose them to any  
3 person other than those described above in Paragraph 5 and for the purposes  
4 specified, and in no event shall such person make any other use of such document or  
5 transcript.

6 8. Nothing in this Order shall prevent a party from using at trial any  
7 information or materials designated “Confidential.”

8 9. This Order has been agreed to by the parties to facilitate discovery and  
9 the production of relevant evidence in this action. Neither the entry of this Order,  
10 nor the designation of any information, document, or the like as “Confidential,” nor  
11 the failure to make such designation, shall constitute evidence with respect to any  
12 issue in this action.

13 10. Within sixty (60) days after the final termination of this litigation, all  
14 documents, transcripts, or other materials afforded confidential treatment pursuant to  
15 this Order, including any extracts, summaries or compilations taken therefrom, but  
16 excluding any materials which in the good faith judgment of counsel are work  
17 product materials, shall be returned to the Producing Party.

18 11. In the event that any party to this litigation disagrees at any point in  
19 these proceedings with any designation made under this Protective Order, the parties  
20 shall first try to resolve such dispute in good faith on an informal basis. If the  
21 dispute cannot be resolved, the designating party may seek appropriate relief from  
this Court. If the designating party fails to seek relief from the Court within 30 days

1 of the initial attempted designation, the attempted designation shall be deemed  
2 waived. During the pendency of any challenge to the designation of a document or  
3 information, the designated document or information shall continue to be treated as  
4 “Confidential” subject to the provisions of this Protective Order.

5 12. Nothing herein shall affect or restrict the rights of any party with  
6 respect to its own documents or to the information obtained or developed  
7 independently of documents, transcripts and materials afforded confidential  
8 treatment pursuant to this Order.

9 The Court retains the right to allow disclosure of any subject covered by this  
10 stipulation or to modify this stipulation at any time in the interest of justice.

11 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
12 Order and provide copies to counsel.

13 **DATED** August 5, 2019.

14  
15 *s/ Rosanna Malouf Peterson*  
16 ROSANNA MALOUF PETERSON  
17 United States District Judge  
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